

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

GERALD STABILE

Plaintiff,

v.

SGT. EDWARD CONKLIN, OFFICER  
SCOTT BAKER, OFFICER GUY  
BOCCARDI, OFFICER MARCO  
FERNANDEZ, JOHN DOES 1-30, Fictitious  
Individuals, ABC CORPS 1-30, Fictitious  
Corps, Jointly and Severally, Official and  
Individual Capacities,

Defendants.

Civ. No. 2:20-02205 (WJM)

**ORDER**

**WILLIAM J. MARTINI, U.S.D.J.:**

This matter comes before the Court on the motion of Defendants Sgt. Edward Conklin and Officers Scott Baker, Guy Boccardi, and Marc Fernandez (“Defendants”) for summary judgment pursuant to Fed. R. Civ. P. 56. ECF No. 49. For the reasons set forth in the accompanying opinion, and for good cause shown,

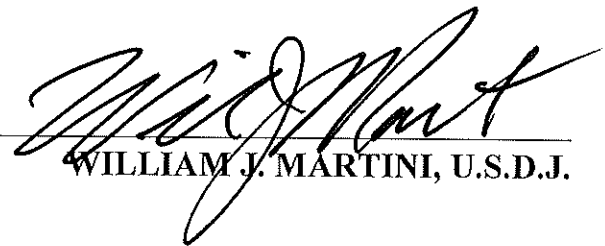
IT IS on this 22<sup>st</sup> day of August 2023, **ORDERED** that Defendants’ motion for summary judgment is **granted in part and denied in part**;

**IT IS FURTHER ORDERED** that Defendants’ motion for summary judgment is **denied** as to the excessive force, failure to intervene, and civil conspiracy claims under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act as well as the negligence claim under the New Jersey Tort Claims Act; and

**IT IS FURTHER ORDERED** that Plaintiff's supervisory liability claims may only proceed under the theory pled in the Complaint that Sgt. Conklin participated in or "had knowledge of and acquiesced" in his subordinate's violation of Plaintiff's constitutional rights, *see* Compl., ¶ 37; and

**IT IS FURTHER ORDERED** that any *in limine* motions shall be filed by no later than **September 21, 2023**; and that any opposition to *in limine* motions shall be filed by no later than **October 5, 2023**; and

**IT IS FURTHER ORDERED** that no extensions of these deadlines shall be granted without good cause shown.

  
WILLIAM J. MARTINI, U.S.D.J.